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Fifty-fifth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 6 p.m.

Chairperson: Mr. PADILLA-MENÉNDEZ (Guatemala)
(Vice-Chairperson)

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The meeting was called to order at 6.05 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/1999/12, 15 and Add.1 and 17; E/CN.4/1999/NGO/4, 5, 6 and 60)

1. Ms. JURT (European Union of Public Relations) said that the divergent paths of India and Pakistan since 1947 served as a lesson for human rights activists. Though it had had its share of intolerance between groups, India had fashioned itself as a secular democracy, with constitutional, institutional, educational and legal instruments to imbue its citizens with respect for the value of universal equality. Pakistan, on the other hand, after a brief flirtation with democracy, had succumbed to military dictatorships which had thrived on oppression and a culture of discrimination, for equal treatment for all would have threatened those who held power.

2. Although democratic rule had theoretically been restored, Pakistani democracy often seemed to be military rule in a civilian guise and the civilian Government had recently called upon the army to carry out a number of normal administrative duties, including the collection from consumers of water and power fees. Armed fundamentalist groups, such as the Harkat-ul-Ansar, educated in religious schools that shunned democracy and equality, ran rampant through the streets. Assisted by the Pakistani security forces, they had even threatened the life of the Prime Minister. Indeed, the Prime Minister himself had stated that Islamic law should be the supreme law of the land and had spoken approvingly of the Taliban.

3. Moreover, institutionalized constitutional and legal discrimination against certain groups was obvious. The Ahmadiyas had been legally declared to be non-Muslims and were consequently subjected to continuous persecution. The Muslim refugees from India, the Mohajirs, had for years been hounded and derided. The Pakistani Government had recently established military and anti-terrorist courts which were intended to deal with that group. The country was still affected by the years of discrimination fostered and institutionalized by successive rulers.

4. Mr. QARMI (Asian Buddhist Conference for Peace) said that, although Pakistan had ratified the Convention on the Elimination of All Forms of Racial Discrimination in 1969, the Mohajirs had been subjected to discrimination by successive Governments over a period of four decades. The Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia had mentioned in his report (E/CN.4/1998/79, para. 36) that the Mohajirs were alleged to be exposed to xenophobic attacks by the Pakistani authorities, often being illegally dispossessed of their property, that Mohajir electoral candidates were reported to be the victims of acts of violence and that their supporters were regularly kidnapped and tortured. The Special Rapporteur had communicated those allegations to the Government of Pakistan, but the latter had labelled the Mohajirs as terrorists and criminals, and incited hatred against them.

5. The Mohajirs lived predominantly in Sindh province, and the Federal Government had dismissed the democratically elected government of that province and handed over the administration to the armed forces, on the

pretext of combating crime and restoring order. According to many reliable sources, however, the crime rate in Lahore was worse than in Karachi, but the Government had imposed military rule in Karachi and not Lahore because the latter was located in the Punjab province, the home of the ethnic group that monopolized political and economic power.

6. Mr. BURSIK (Society for Threatened Peoples) said that some 80,000 Nubas, four-fifths of whom were women and children, had died in southern Sudan and the Nuba mountains, victims of war and of famine. The situation was particularly difficult for those Nubas living in the areas controlled by the Sudan People's Liberation Army (SPLA), as the Sudanese authorities denied international relief organizations access to such areas.

7. Notwithstanding a number of ceasefires, the Sudanese Government had continued its policy of annihilation and "ethnic cleansing". The army or associated militias attacked Nuba villages, pillaged and burned houses, killed their inhabitants or resettled them by force. Thousands of children had been sold into slavery. Vast stretches of the country had been completely and intentionally depopulated because of the Government's use of landmines, and other ethnic groups had been encouraged to seize Nuba lands.

8. The attitude of the Arab-Muslim military junta was deeply racist. The Government, which had declared an Islamic holy war against the mostly-Muslim Nuba, was still not prepared to accept that Sudan was both an Arab and an African country, and continued to deny the black African population its basic human rights.

9. Mr. PARY (Indian Movement "Tupaj Amaru") said that, when the European conquistadores had arrived in the Americas, the production system was based on collective ownership of land and of the instruments of labour, private property being unknown. The Incas had created a system for the just and equitable distribution of wealth, and had inculcated a collective spirit, respect for the land and dignity and had eliminated poverty and discrimination. The colonial conquest had destroyed that civilization and reduced the native population to an inhuman level, imposing a new order based on the market economy, with slavery and servitude for native Americans and blacks.

10. Since any doctrine of racial superiority was scientifically flawed, morally objectionable, socially unjust and a threat to the peace, the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should undertake a number of scientific studies addressing, for example, the phenomenon of racism; the roots of that phenomenon, including the consequences of slavery, colonialism and neocolonialism; and the extent of modern forms of racism and slavery in the light of the concentration of wealth in a context of globalization and the effects of the new international economic order, where blind market forces fuelled violence and instigated racial hatred.

11. In indigenous communities which had not been subjected to alien culture, there was practically no discrimination, but new communications technologies had created sophisticated means of propagating racial hatred and violence. Films, electronic games and computer networks were inculcating

violence and aggressiveness in young people. The Internet was being used to disseminate racist propaganda. The World Conference should therefore give priority to adopting a code of ethics for Internet users and service providers.

12. Ms. GEMMILL (International Indian Treaty Council) said that new standards should be adopted emphasizing that the rights recognized for all human beings also applied to indigenous peoples. Indigenous peoples were very attached to their lands, which sustained their livelihoods and their cultures. Unfortunately, racist rationales for the exploitation of indigenous lands persisted and racial discrimination continued to plague the daily lives of indigenous native American peoples. She cited four examples of environmental racism, or practices under which the United States Government and multinational enterprises were attempting to exploit native lands, many of them sacred to the peoples concerned.

13. There was also another form of racism, known as institutional racism. Public and educational institutions in the United States and professional sports had adopted the practice of using demeaning names for mascots, symbols and images which promoted negative stereotypes of native American peoples. Proponents of the practice proclaimed that they honoured native Americans and they were often not aware of the damage they were doing. The degrading use of such mascots was a direct and indirect insult to the intelligence of native American peoples, and could even threaten native cultures with extinction.

14. American Indians were among the most disadvantaged Americans according to many available indicators, including poverty rates and median income. The representative of the United States had proclaimed that his Government was proud of its achievements in protecting its citizens against racism but racial cruelty was a harsh reality in State institutions, and the law did not protect native Americans against it. The Special Rapporteur should consider the possibility of adding to his recommendations for the adoption of additional measures to combat racism the statement that indigenous peoples should be allowed to retain their dignity and not have their identity exploited for commercial and entertainment purposes.

15. Ms. MOYA (American Association of Jurists) said that, during the colonial period, very few organizations had objected to the denial of the right to life and liberty of millions of human beings. Slavery and the exploitation of racial inequality had had a lasting effect, and discriminatory practices still persisted in societies that had since become democracies. At the Commission's previous session, the Group of African States had prepared a draft resolution which, in the light of the prejudice to which Africa and African-Americans had been subjected, would have asked their forgiveness as a sincere and heartfelt sign of reconciliation. That draft resolution had been withdrawn at the insistence of certain States, without being brought forward for consideration. A consensus on that resolution would have demonstrated a real will for change and reparation.

16. Inequalities based on that horrible past were unfortunately still being perpetuated, and were affecting new groups as well. Migrants had become the latest cannon fodder. Notwithstanding all the fine words from the countries of the Americas, the neoliberal and bourgeois values prevailing there were

perpetuating discrimination. Government officials worked in the interests of the powerful. There were new and terrifying colonizers - paramilitary groups - which were threatening the historical survival of rural African American communities. In Honduras and Brazil, laws and decrees had made it possible for national and international companies to seize land that had historically belonged to those communities, and recognized communal lands in Colombia had been the subject of violent attack leading to forced displacement.

17. Mr. KIRUPAHARAN (International Educational Development, Inc.) said that, for more than 50 years, successive Sinhalese Governments in Sri Lanka had been oppressing the Tamil people, who had been historically separate from the Sinhala nation. One of the Sinhalese Government's first acts had been to impose the Sinhala emblem, the lion, as the symbol of the whole nation. In 1956, it had adopted the Sinhala Only Act, making Sinhalese the sole official language, thus denying Tamils access to State services, education and employment. In 1956, 1958, 1961, 1977 and 1983, the Government had instigated massacres of Tamils. By 1983 armed conflict had come to the island.

18. According to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, the Sri Lankan army was 99 per cent Sinhalese, i.e. its soldiers did not speak Tamil, thus amplifying the sense of occupation and exacerbating the feeling of alienation. The armed forces had carried out criminal acts which were genocidal in intent, including the destruction of homes, torture, mass arrests, collective punishment, bombings and forced eviction. The Commission should condemn acts of racism in Sri Lanka and call for a negotiated settlement that would recognize the Tamil people's right to self-determination and to live free from racism and persecution.

Statements in exercise of the right of reply

19. Mr. TEKLE (Observer for Eritrea) said that, having listened to the observer for Ethiopia, he had arrived at a number of conclusions. First, the Ethiopian and Eritrean delegations both agreed that the problem of ethnic discrimination had been the source of human rights violations in their common region. Secondly, the Ethiopian delegation, like his own, asserted that its people were victims of discrimination and that it had an interest in safeguarding their human rights. There was clearly, therefore, a solid basis for the investigation of ethnic discrimination in the region. The Ethiopian delegation would presumably not object to the expansion of the mandate of the Special Rapporteur to cover the Horn of Africa and the Commission should therefore extend that mandate.

20. Mr. AL-AZREG (Sudan), responding to the statement by the representative of the Society for Threatened Peoples, said that, following the signing of the Khartoum Peace Agreement in 1997, a special peace agreement concerning the Nuba Mountains had confirmed his Government's awareness that the Sudan was a multiracial, multicultural, multi-ethnic and multireligious society. The country's Constitution and laws prohibited any sort of racism and racial discrimination and imposed penalties for the incitement of religious, racial or ethnic hatred. Sudan had independent newspapers and independent political parties. It was difficult to conceive of such grave violations of human

rights as those alleged taking place in a country with so many parties and a free and independent press. Over 30 per cent of the men serving in the Sudanese military came from the Nuba region. Moreover, there were dozens of high officials in the State apparatus from the Nuba region, including ministers in the federal Government and officials in the legislative and judicial branches. Could such violations take place with people of Nuba origin in those positions? The non-governmental organization (NGO) in question had surely made those charges for reasons of its own.

21. Mr. ABEBE (Observer for Ethiopia) said that he wished to refute the Eritrean barrage of machinations and lies. His Government had clearly explained the reasons and legal justifications for requiring certain foreign nationals to leave the country. It was a decision imposed upon the Government by a neighbouring State which had sponsored terrorist acts. The Government had uncovered the imminent threat of a clandestine structure, and requested that the persons concerned should leave the country. It had done so taking great care to ensure that the departure took place in an orderly and legal manner. He requested the Commission to deplore the discriminatory policies and propaganda of the State in question.

22. Mr. TEKLE (Observer for Eritrea) referred to the acceptance speech delivered by the Chairperson of the current session, in which she had advised delegations to concentrate on substance and avoid polemics. His own delegation had focused on the problem of racism as it manifested itself in East Africa, although it would have been easier to cite the case of a specific country. She had also called upon delegations to be civil and show respect for one another as well as for the subject matter.

23. He assured the Commission that his own delegation would never demean the dignity of the Commission and its work by indulging in what the French called "vagabondage diplomatique" such as that to which it had just been subjected.

24. The CHAIRPERSON said that agenda item 6 would remain open for discussion, since the working group had still to present its report to the Commission.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/1999/19 and 20)

25. Mr. SENGUPTA (Independent expert on the right to development) outlined the approach he intended to adopt in his work. First of all, he drew attention to the major change in the development paradigm, in which development was defined in terms of rights. When the human rights instruments had first been adopted immediately after the Second World War, there had been enthusiasm and idealism. It had been hoped that the universal document would include all aspects of human rights, including the right to economic security and independence. Following the adoption of the Universal Declaration of Human Rights, the entire process had been waylaid owing in part to the cold war, but after many years it had been brought back into the mainstream. In the intervening period, the international community had concentrated on development as a function of the growth of output, material products and marketable services. Developing countries were expected to follow the paths taken by the industrialized States to increase production. Fundamental

questions such as equity, justice, participation and freedom were treated as peripheral matters, and were not considered important in the formulation of policies.

26. Yet even then, as human rights activists and international lawyers tried to put forward a rights-based approach to development, some economists pointed out that from the very start, even in the teachings of Adam Smith or Marx, development was considered to be more than simply growth of industry, technology or gross national product (GNP). Development was related rather to the ability of peoples to do the things they wanted to do and to enjoy opportunities. The best definition of development would be the one given by Professor Amartya Sen, who had recently won the Nobel Prize for Economics, and who had said that development was freedom. Development was related not only to the growth of production and technology, but also to equity, social justice and civil and political freedoms, which permitted people to act as free agents.

27. The right to development was thus not simply an invention of international lawyers and human rights activists, but a factor embedded in the economic principles and the development of economic theory. One of his tasks as independent expert would be to define that concept further and make the rights approach to development better understood as one that regarded development as the expansion of human freedom.

28. Public participation in the formulation of policies was central to the process of development. As independent expert, he hoped to initiate a worldwide dialogue with NGOs and other institutions to build confidence in the concept of development as freedom.

29. The right to development, if seen as a concept of freedom, could be ensured only through collective action. It incorporated personal rights, but would go beyond them to include rights that could be secured only through complementary positive action by the State, civil society and the international community. In an integrated and globalized world, national economic policies could no longer be drawn up in isolation. A State's obligations to its own citizens would, of course, be paramount but no State action could ignore its impact on the citizens of other States. Every State which recognized the right to development was obliged to take positive action to assist the citizens of other States in realizing those rights.

30. Official development assistance (ODA) was of great importance, and the international community must increase the aid provided to developing countries. But the use of private capital flows could be very effective as well. While the volume of ODA had unfortunately remained more or less stagnant, that assistance could probably be used more effectively by leveraging private capital flows to markets in Asian and African countries, where private capital had not been attracted.

31. In many contexts, privatization could be justified. But in some countries the privatization of public utilities would leave the poor without water and electricity. ODA could be used to help those who were marginalized by such privatization.

32. In economics, freedom would be considered a vector, meaning that it had a number of elements and that progress could not be made on all fronts at once. In international law, it could well be that no right was superior to another, but in economics some choices had to be made. Three rights should therefore be designated as inalienable: the right to food, the right to primary education and the right to primary health care, for those were as basic as the right to life itself. An international agreement, whether in the form of a treaty or a covenant, should therefore be concluded to commit every State to ensuring those three rights.

33. Mr. SUMI (Japan) said that his Government attached great importance to the right to development, which was acknowledged as a universal and inalienable right in the Vienna Declaration. Responsibility for the protection and promotion of the right to development fell primarily on national Governments, but other countries could and should facilitate and assist them in their development efforts.

34. Japan, as the largest donor country, recognized the importance of promoting effective international cooperation, and paid particular attention to the promotion of human rights in carrying out its development assistance. It attached great importance to poverty reduction, health improvement and manpower capacity-building, all of which contributed to human development. Japan had recently hosted the second Tokyo International Conference on African Development, known as TICAD II, in which delegates from 80 countries and 40 international organizations had taken part. The African countries and their development partners had adopted the "Tokyo Agenda for Action", a concrete programme to promote development in certain key areas.

35. The right to development was universally accepted, but the definition of that concept was still being drawn up. The independent expert had formulated some innovative ideas, identifying the right to food, the right to primary health care and the right to primary education as the three core indicators of the right to development, since they were already the subject of international agreements. The Japanese Government was inspired by that approach. Furthermore, parties from other areas, and in particular those engaged in the economic field, should be involved. The efficient and successful realization of the right to development could not be possible without cooperation from such quarters as the World Bank, private entities, academics and economists.

36. His delegation thus welcomed the establishment, through a resolution reached by consensus at the Commission's previous session, of a follow-up mechanism to make further progress towards the implementation of the right to development, with an open-ended working group and an independent expert. It looked forward to continuing that spirit of cooperation with participants from various backgrounds, and hoped that a consensus could be reached at the current session. A consolidated approach was essential if the international community was to advance the right to development.

37. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said he welcomed the fact that the right to development was a separate item of the Commission's agenda, thus highlighting the inherent importance of the theme

while also demonstrating the links between the right to development and all other human rights. The right to development was a core element in the Union's partnership agreements with developing countries, and it would welcome a renewed consensus on the subject.

38. Development was a process which had as its objective the realization of civil, cultural, economic, political and social rights to meet the developmental and environmental needs of present and future generations. Political participation and the empowerment of each human being were integral parts of the right to development, and human rights, democracy and development were linked. It was becoming increasingly understood among international organizations and trade and financial institutions that the realization of human rights was the key to sustainable development, an idea which transcended the strictly economic understanding of development.

39. The Secretary-General had recalled that good governance, which entailed respect for human rights and the rule of law, was perhaps the most important factor in eradicating poverty and thus, too, in the development-related work of the United Nations. The Lomé Convention acknowledged that respect for human rights, democracy and the rule of law was essential to any partnership agreement. Any future convention would include an even more comprehensive reference to that concept. It had become widely recognized that democracy provided the appropriate means of ensuring a regular change of government and thus protected the capacity, reliability and integrity of State institutions, and at the same time made Governments more transparent and responsive to popular concerns.

40. Yet some countries, including some very large ones with extremely ambitious development goals, tended to overlook the need for good governance, including full respect for human rights, democracy and the rule of law. There were also countries that seemed to advocate the view that material objectives should take precedence over human rights and democracy, as if the two were foes and not friends in development. The experience of the past few years had proven that approach wrong. Countries which restricted freedom of speech, reduced elections to rubber-stamp exercises, wasted resources in corrupt bureaucracies and over-invested in military spending were only acting against the right to development of their own citizens. The Nobel Prize laureate, Amartya Sen, had proven that those countries which had a free press and free elections were far less likely to suffer from famine.

41. Much headway had been made in mainstreaming human rights throughout the United Nations system. The United Nations High Commissioner for Human Rights had done a commendable job of strengthening the ties between her Office and other United Nations agencies and the multilateral financial institutions, many of which had published reports or documents devoted to the role of human rights in development to help mark the fiftieth anniversary of the Universal Declaration of Human Rights. The Office of the High Commissioner for Human Rights (OHCHR) had also signed a Memorandum of Understanding with the United Nations Development Programme (UNDP), and the World Bank had held its first human rights seminar.

42. Despite those and other encouraging signs, the Union noted serious shortcomings in the realization of the right to development, and would be

pleased if future discussions on the subject could address in more concrete terms the complex issues related to its practical implementation. It welcomed the resolution adopted without a vote by the Commission the previous year and the creation of two follow-up mechanisms, as well as the appointment of the independent expert, whose first report would contribute to the work of the open-ended working group. The Union hoped that the resolution on the right to development would be adopted by the Commission without a vote.

43. Mr. REYES RODRÍGUEZ (Colombia) said that, in the current century, mankind had amassed an abundance of knowledge and technical abilities, yet the fruits had so far been very restricted. Of the population living in the developing world, one-third had no access to running water, a quarter lacked appropriate housing and one out of five people was deprived of modern health services. Some 20 per cent of children dropped out from school, and a similar number of them were undernourished. In those countries, modern transport, telecommunications and energy were available only to a privileged few, and most people had difficulty gaining access to knowledge and technology. The situation in the industrialized world, with over 100 million people living below the poverty line and 37 million unemployed, was not very encouraging either.

44. Clearly, the uneven progress the world had experienced was not genuine and sustainable development. It had benefited a world elite only. The effects of indiscriminate industrialization and environmental deterioration could well threaten the peace, or even the chances of survival, of all mankind.

45. The right to development, which required the participation of all national and international development partners, including individuals and civil society, was therefore of the utmost importance. It recognized the interdependent, holistic and universal nature of civil, political, economic, social and cultural rights and human fulfilment.

46. Trade liberalization and globalization had opened up new possibilities for growth, but the increase in national and world wealth should be used for the common good. It should be channelled according to the principle of social justice to benefit the most vulnerable sectors and to reduce the North-South gap.

47. At the national level, States had to demonstrate good governance and be transparent. Corruption and poor public administration would only worsen poverty. Democracy and the rule of law must be strengthened, human rights promoted and defended, sound economic and environmental management ensured, poverty eliminated and education and health care provided, if there were to be sustainable development.

48. The growing interest of the developing countries in the right to development had sometimes led to the erroneous perception of that right as a confrontational claim. Human rights could not be the concern of a few States or regions, and the right to development was a common cause of all men and women. It should not be seen as a source of discord, but rather as a rallying point, just as the heritage of human rights had so far been.

49. Mr. ZAKI (Pakistan) said the independent expert had suggested that the starting point for achieving the right to development should be the realization of the right to food, primary health care and primary education, but his selection of certain areas for priority action was arbitrary and somewhat incoherent. The focus should instead remain on the fundamental issue of how to ensure that the structure and rules of the global economy were conducive to realizing the right to development.

50. The state of the world economy, with its growing disparities between the rich and poor both among and within countries, did not bode well for the development prospects of most of the world's population. The right to development should occupy a central place in discussions on how to improve the situation, but for various reasons it unfortunately did not. For example, discussions in the Commission were, understandably, dominated by human rights practitioners and lawyers, but any discussion of the right to development would also have to include specialists in economics as well.

51. The Commission should therefore consider two sets of measures to promote the right to development. Firstly, it should establish a mechanism to monitor implementation of development commitments undertaken at recent United Nations summit meetings. The Commission should enlist the assistance of eminent economists and social scientists to study the fairness of the international trade regime, and should review the functioning of international financial and development institutions, so as to make them more accountable. It might also recommend that global economic management decisions be removed from the hands of restrictive forums such as the G-7 and assigned to the United Nations, to ensure that the right to development was taken into consideration when such decisions were made.

52. OHCHR should have a stronger capacity to monitor the international economic situation from the perspective of the right to development. It could issue an annual report on the impact of the global economic situation on the right to development, and could hold workshops and provide documentation and liaison with United Nations economic units to assist human rights NGOs in dealing with complex economic matters.

53. Mr. BENJELLOUN-TOUIMI (Morocco) said that little real progress had been made in realizing the right to development, despite the various declarations and resolutions that had been adopted on the subject. It was time to take a pragmatic and innovative look at that right, taking stock of the international economic and social situation and defining and advancing a realistic strategy for its promotion.

54. The majority of developing countries still had development levels well below the aspirations of their peoples. The widening gap between the industrialized countries and the developing countries was particularly alarming. Citing the Human Development Report 1998, he pointed out that consumption in Africa had fallen by one-fifth in 25 years, that well over a billion people were unable to meet their basic needs and that 20 per cent of the world's population accounted for 86 per cent of its consumption of resources, while the poorest 20 per cent consumed just 1.3 per cent.

Meanwhile, ODA stood at about 0.35 per cent of GNP, far from the initial target of 0.70 per cent. To make matters worse, the public debt of African countries came to some US$ 328.9 billion.

55. Realizing the right to development would require international macroeconomic stability, integration of the world economy, long-term foreign investment and support for export-oriented activities. It would also require debt reduction. As the Secretary-General had quite rightly said, the international community had helped create the debt problem, as bilateral and multilateral lending during the cold war was most often carried out for geopolitical reasons.

56. A new strategy was needed to promote the right to development, one which took advantage of the synergy between competent international bodies working in the field and which made use of the follow-up mechanisms established at the Commission's previous session.

57. Mr. ZAFERA (Madagascar) said that for Madagascar, one of the least-developed countries, the agenda item on the right to development was extremely important. The Declaration on the Right to Development stipulated that the right to development was an inalienable human right entitling every person and all peoples to take part in and contribute to economic, social, cultural and political development. The Universal Declaration of Human Rights, too, had proclaimed that everyone had the right to an adequate standard of living. Yet, despite the best efforts of the Commission and OHCHR, 50 years after the adoption of the Universal Declaration of Human Rights and over a decade after the proclamation of the Declaration on the Right to Development, more than 3 billion people were living in abject poverty, and their numbers were increasing.

58. At the Commission's previous session, many delegations had acknowledged that the disproportionate interest in civil and political rights to the detriment of social and economic rights was partially responsible for the lack of progress in realizing the right to development.

59. The Declaration on the Right to Development assigned to the national authorities the primary responsibility for the realization of the right. Even the strongest determination to provide good governance and ensure development inevitably encountered obstacles, however, which could be political or economic in nature. Those difficulties were sometimes compounded by economic embargoes and often by the external debt which had a paralysing effect on the development of the poorest countries. In addition, countries such as his own were regularly subjected to tropical storms, floods, droughts or plagues of locusts, and it would be unrealistic to expect them to achieve the full realization of the right to development on their own.

60. It was hard to imagine a lasting peace with such enormous disparities in wealth in the world. A staggering number of people lived in such poverty that it threatened their most precious right, the right to life. The elimination of poverty was an indispensable precondition for lasting peace. Globalization had demonstrated the interdependence of countries, and that in turn called for solidarity between them, in particular on such questions as the debt burden, ODA and the integration of world trade.

61. Mr. KANAVIN (Norway) said that the right to development involved all human rights and was a question of practical measures which could serve both human rights and development. The Declaration on the Right to Development was a core document setting out the link between the two, which outlined the right to development as an obligation of the State toward its citizens. It had sometimes been said that the right to development was afforded to States by some international entity, but that was not so, for that would mean that the right to development was not a human right.

62. Development as defined by UNDP was the process of expanding people's choices, and the Declaration stated that the individual should be the active participant and beneficiary of the right to development. That implied empowerment, a concept which had benefited his own country enormously. Civil society played an active role in both domestic and international development efforts.

63. The Declaration also emphasized the duty of States to cooperate in ensuring development and eliminating obstacles to it, which were defined as those resulting from failure to observe civil, political, economic, social and cultural rights. Development cooperation must therefore include a commitment to the realization of all human rights. A symposium held under the joint auspices of UNDP and OHCHR at Oslo had emphasized the need for people engaged in the two areas concerned to obtain a better understanding of the other. Additionally, the beneficiaries and donors of development and human rights assistance had to work closely together to ensure that aid was relevant in the eyes of those receiving it.

64. To support the realization of the right to development, Norway had committed itself to meeting the United Nations targets for ODA, and would attempt to raise its level of contribution from 0.9 per cent to 1 per cent of GDP. It supported the 20/20 principle, according to which 20 per cent of ODA and 20 per cent of the public expenditure of the recipient country would be allocated to covering basic social needs, and had launched a strategic debt relief initiative.

65. His Government welcomed the steps taken by the World Bank to support human rights. The human rights agenda must indeed be taken to economic and financial organizations, but the business of such organizations should not be brought to the Commission, for that would divert the attention of the main international human rights body away from human rights.

66. Ms. NAIFER (South Africa) said that the 1994 elections in her country had resulted in some profound changes, including the new Government's firm commitment to respect and protect human rights. Though the Government recognized the role of the international community, it believed that the State had a central part to play in creating conditions conducive to development. It had therefore established a number of bodies and adopted policies to ensure the enjoyment of human rights in general, and the right to development in particular. The Constitutional Court had on several occasions been called upon to make judgements on the constitutionality of State actions in relation to the realization of economic, social and cultural rights. Various anti-corruption measures of a legislative, administrative and financial nature had been adopted.

67. The Government that had come to power in 1994 faced a formidable challenge in the socio-economic inequalities among the country's citizens. It had set about ensuring access to basic services such as clean water, basic health care and housing for all South Africans through a Reconstruction and Development Programme and a reallocation of the national budget in favour of social, economic and cultural programmes, which had come to account for some 61 per cent of non-interest public expenditure.

68. That was an important step forward toward implementation of the 20/20 concept which had arisen from the Copenhagen World Summit for Social Development and the Declaration on the Right to Development. The Government had introduced two instruments which enabled active participation by civil society and greater transparency in the formulation of the budget, and carried out a prudent macroeconomic policy that had reduced the deficit to 3.5 per cent of GDP and brought inflation to a 25-year low.

69. In practical terms, since 1994 the number of households with electricity had risen from under 40 per cent to 63 per cent; some 5 million children from the most disadvantaged groups had received daily meals through a primary school nutrition programme; over 700,000 new homes had been subsidized and 10,000 classrooms had been built for pupils who would otherwise have had to study under trees. Medical care had been extended to thousands of disadvantaged people and gender equality had been promoted in all national programmes.

70. The Commission should consider practical measures to be taken by all States to ensure the broad realization of the right to development. It was to be hoped that the draft resolution on the item would be adopted by consensus, as had been the case the previous year.

71. Mr. SIMKHADA (Nepal) said the Declaration on the Right to Development and the consensus achieved at the World Conference on Human Rights in 1993 had recognized that the ideal of freedom from both fear and want could be achieved only if civil and political rights on the one hand and economic, social and cultural rights on the other were both guaranteed. The two sets of rights were universal, indivisible, interdependent and mutually reinforcing, and the right to development, as a synthesis of both, was universal, inalienable and an integral part of the fundamental rights.

72. The establishment of a follow-up mechanism, the appointment of an independent expert and the report submitted by the United Nations High Commissioner for Human Rights were highly appreciated, as was the High Commissioner's determination to strike a greater balance in her advocacy between what she had called "bread and ballot".

73. The new democratic Constitution of Nepal guaranteed all basic human rights and fundamental freedoms with a transparent political process and accountable governance. As a small, landlocked, least-developed country, Nepal faced a lack of human, material and technical resources to address the growing needs and expectations of its people. In the east there were large numbers of refugees from Bhutan, and acts of violence and terror committed by misguided elements in other parts of the country were posing further

difficulties for socio-economic development, but the Government was fully committed to protecting citizens' rights and pursuing development objectives.

74. Priority had been given to alleviating poverty and improving the lot of vulnerable groups such as women, children, the disabled, the mentally retarded, the elderly, widows, indigenous populations and people living in remote areas. The independent expert on the right to development had correctly emphasized the importance of international cooperation in such endeavours.

75. To ensure that its deliberations had an effect throughout the world, the Commission had a historical duty to recognize the roles and obligations of States and the important parts played by the international community and civil society in eliminating obstacles to development, especially in the least-developed countries.

76. Mr. SINGH (India) acknowledged the complexity of the right to development, the realization of which required democracy, transparency, accountable governance and respect for political and civil rights, which could not be denied using the existence of poverty as a justification. At the same time, poverty could prevent the enjoyment of human rights, and its elimination must therefore be a priority. It had become fashionable to refer to a "rights-based approach to development", a vague concept often wrongly invoked to impose conditions on development aid or even on development itself, while the right to development was inalienable and its application should not be a tool for such conditionalities. The Vienna Conference had recognized that development, democracy and human rights were interrelated, and development, as the most powerful tool at the international community's disposal for empowerment, was essential for ensuring human rights.

77. Hunger, deprivation and extreme poverty were as unconscionable as torture or disappearances. A "developmental approach to human rights" was as relevant as a rights-based approach to development. That was why his Government had launched a National Human Development Initiative to provide food security, health care, education, employment and shelter to the most vulnerable sections of Indian society.

78. There was an intrinsic relationship between the inequitable nature of the international economy and the inability of millions of people to enjoy their human rights, and particularly the right to development. In their reports to the Commission, independent experts and rapporteurs highlighted some of the measures urgently required to remedy the situation, including an increase in ODA, foreign debt cancellation, transfer of technology to developing countries on reasonable terms, elimination of trade barriers, restructuring of international financial, monetary and trading systems and granting developing countries a greater voice in global macroeconomic decision-making.

79. Preparations for the open-ended working group should commence without delay, and its chairman should be appointed by consensus. That body would have to hold meaningful discussions on the report of the independent expert and the activities of OHCHR, and would also have to organize an expert panel

discussion on the right to development and economic, social and cultural rights as well as discussions with all relevant United Nations agencies and in particular the relevant mechanisms of the Commission.

80. Mr. FERRER RODRÍGUEZ (Cuba) said he was concerned that, 13 years after the Declaration on the Right to Development, the results had been so meagre. Moreover, the financial crisis, which threatened to become global in scope, did not bode well for the future of the right to development. The Commission must ask itself what it could do to ensure that the brunt of the burden did not fall upon the poor, the hungry, the sick, children, the elderly and women in developing countries and how it could ensure the right to development in such circumstances.

81. Despite the consensus on the universality, indivisibility, interdependence and interrelationship between all human rights and in particular the universal and inalienable nature of the right to development which had been reached since the Vienna Conference, the situation was very serious. Three-fifths of the world population was poor, and a quarter lived in extreme poverty; 800 million people were hungry and 2 billion anaemic from nutritional deficiencies. Some 25,000 children died of curable diseases. The 225 richest people in the world had annual incomes greater than those of the poorest 2.5 billion people. Meanwhile, US$ 800 billion were invested in weaponry, including US$ 300 billion in the United States.

82. Such imbalances would be corrected neither by the Bretton Woods institutions nor by the market. Neoliberal globalization and the structural adjustment programmes advocated by those institutions ignored the social aspect of development and made such imbalances worse both nationally and internationally.

83. Though the financial crisis and epidemics such as AIDS hit the least-developed countries and the most vulnerable sectors the hardest, they did not respect national boundaries and did not distinguish between classes, political beliefs, religions or races.

84. International cooperation must be effective and without conditionalities, in an equitable international trade environment where scientific and technical progress would be shared. The Declaration on the Right to Development called for general and complete disarmament so as to free up resources for development. Cancellation of foreign debt was urgently needed by most developing countries.

85. The current distribution of wealth was untenable and required reform, and the international financial system needed to reflect reality and be made more democratic so as to allow the developing countries to take part in decision-making. Affirmative action was needed for African countries and the least-developed countries, and the Special Initiative on Africa required additional support.

86. The Commission and the General Assembly had adopted resolutions calling for the elimination of unilateral measures taken in violation of international

law and the Charter of the United Nations which hampered the full realization of the rights set out in international human rights instruments. Those resolutions should be observed without delay.

87. Developed countries should fulfil the commitment they had made to earmark 0.7 per cent of GDP for ODA. It was commendable that a few countries had reached that level, including Norway which had even surpassed it. For its part, Cuba, despite its small size, underdeveloped status and the embargo it faced, had, with France, been among the first countries to forgive the debt of the countries struck by hurricane Mitch. It had converted a former naval academy into a Latin American medical sciences school and offered 1,000 scholarships per year to allow Central American young persons lacking resources to become doctors. It had also made available grants in all university subjects for students from the Caribbean.

88. Some 500 doctors had been sent to Haiti and Niger, including a large number that had been posted in the field and had saved 100,000 people's lives, 60,000 of whom were children. Some 2,000 doctors had been sent to Guatemala, Honduras and Nicaragua. Cuba had thus adopted practical measures to ensure the right to development.

89. Mr. MENDIS (Sri Lanka) said that it was heartening to see that, in the past few years, the right to development had been given due attention by the international community in the various forums devoted to human rights, culminating in the Commission's resolution at the previous session recommending the establishment of a follow-up mechanism. Nevertheless, 13 years after the adoption of the Declaration on the Right to Development, one in five persons lived in absolute poverty, one in four was deprived of basic health care, 250 million children suffered from malnutrition and one in five adults could not read or write. Poverty was clearly one of the worst violators of human rights in the world.

90. The world had sufficient resources, knowledge and wealth to eliminate hunger, but they had to be properly channelled in order to realize the right to development.

91. For decades, Sri Lanka had invested in human development, education, social welfare and health care, which had raised the literacy, health, per capita GDP, savings and human resource development indices. The country's human development index was among the highest of the developing nations, which bore witness to the benefits of investment in the social sector. Sustaining that effort would require, however, an external environment conducive to realizing the right to development. As the High Commissioner for Human Rights had said, the United Nations had an important role to play in bringing together national Governments and international and regional organizations, transnational corporations, NGOs and individuals.

92. OHCHR had held and assisted in symposia and seminars on the interrelationship between development activities and human rights, and more such activities should be organized. A seminar should, for instance, be held in Asia before the year 2000.

93. Globalization could, if strategically oriented, lead to tangible benefits for all, but most developing nations felt the process was unbalanced. As long as that was the case, they would find it difficult to realize the right to development. If effectively implemented, however, the right to development could substantially alleviate the misery and suffering of millions of people around the world.

94. Mr. REN Yisheng (China) said that 3.3 billion people in the world lived in poverty, and that according to the Administrator of UNDP, some 1.3 billion subsisted on less than one United States dollar per day. ODA was steadily declining and had on average reached 0.22 per cent of GDP, the lowest level since 1973. Yet some developed countries downplayed the importance of the right to development, favouring civil and political rights.

95. The many components of human rights were all interdependent, interrelated and equal in importance. They included civil and political rights, but also economic, social and cultural rights, the right to development and the right to survival. The developing countries, where most of the world's population lived, should give priority to the realization of economic, social and cultural rights and the right to development.

96. In human rights study and practice, the right to development did not have a status commensurate with its importance. The international community should take practical steps to redress the balance between civil and political rights on the one hand and other human rights, including the right to development, on the other. For example, OHCHR should organize more seminars on the latter and create mechanisms and ensure sufficient financial and human resources for their follow-up.

97. The Commission, for its part, could contribute to the realization of the right to development through the working group and the activities of the independent expert.

98. At the international level, conditions conducive to the realization of the right to development had to be ensured, for if national efforts were of obvious importance, a favourable external environment and international cooperation based on equality and mutual respect were indispensable. The developing countries faced poverty, overpopulation, heavy debts, deteriorating terms of trade and a lack of infrastructure and management capacities, and were ill-equipped to weather adverse external economic changes. All countries committed to promoting human rights had the duty to help them develop, in particular by increasing ODA.

99. The developing countries had won their independence in the twentieth century, and were entitled to freedom from want in the twenty-first century. That was a challenge that the entire international community had to meet.

The meeting rose at 9 p.m.